

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 240

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-115, IDAHO CODE, TO
DELETE CERTAIN PAYMENT PRIORITY PROVISIONS RELATING TO THE BIG
GAME DEPREDATION FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-115, Idaho Code, be, and the same is hereby amended to
read as follows:

36-115. NONEXPENDABLE BIG GAME DEPREDATION FUND – EXPENDABLE
BIG GAME DEPREDATION FUND. (a) The nonexpendable big game depredation fund is
hereby established in the state treasury. On July 1, 2005, the state controller shall transfer
two million two hundred fifty thousand dollars (\$2,250,000) from the big game secondary
depredation account, created pursuant to section 3, chapter 370, laws of 1990, to the
nonexpendable big game depredation fund. Moneys in the fund shall be invested as provided
in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund
shall be paid to the expendable big game depredation fund. The principal amount in the fund
shall not be appropriated, but only the interest earned on investment of the moneys in the fund
shall be available for appropriation to the expendable big game depredation fund.

(b) The big game secondary depredation account was created in the state treasury
pursuant to section 3, chapter 370, laws of 1990, and shall, from the date of enactment of this
act, be known and referred to as the expendable big game depredation fund. In addition to
payments to the fund from the nonexpendable big game depredation fund as provided for in
subsection (a) of this section, the state controller shall annually, as soon after July 1 of each
year as practical, transfer into the fund two hundred thousand dollars (\$200,000) from the fish
and game account. Moneys in the fund are subject to appropriation for the purposes recited in
section 36-122, Idaho Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code,
section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be invested as
provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in
the fund shall be paid to the fund. The expendable big game depredation fund shall be under
the administrative direction of the state controller.

(c) The state controller shall annually report to the legislature, the division of financial
management, the director of the department of agriculture and the director of the department of
fish and game the amount of interest earnings and the availability of moneys in the expendable
big game depredation fund for appropriation. At the close of each fiscal year, any unexpended
and unencumbered balance that exceeds seven hundred fifty thousand dollars (\$750,000), shall
be transferred as follows: one hundred thousand dollars (\$100,000) to the fish and game
set-aside account to be earmarked for sportsmen access programs with the remaining amount
transferred to the animal damage control account established pursuant to section 36-112,

Idaho Code. Transferred funds shall be spent pursuant to the respective appropriations for the set-aside account and the animal damage control account.

(d) Any payment for damages pursuant to section 36-1108(b), Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim that is to be paid from the expendable big game depredation fund to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts, including claims submitted under the provisions of sections 36-1109 and 36-1110, Idaho Code, shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay the balance of all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant. However, claims filed under section 36-1108, Idaho Code, shall have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.

(C) The director shall encumber the balance of moneys appropriated from the expendable big game depredation fund, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of one thousand dollars (\$1,000) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund, but the owner or lessee is required to absorb only a single one thousand dollar (\$1,000) deductible per claim.

(B) Provided however, that for claims in subsequent years for damage to standing or stored crops in the same location as the first occurrence, the one thousand dollar (\$1,000) deductible will be waived if the department failed to prevent property loss following the first occurrence.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(e) Any claim for damages pursuant to section 36-1109, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order that not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if,

in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall promptly pay them. If the balance is not sufficient to pay the balance of all approved claims, the director shall pay a proportionate share to each claimant. ~~However, claims filed under section 36-1108, Idaho Code, shall have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following condition applies: the amount of one thousand dollars (\$1,000) must be deducted from each such statement. Provided however, if an owner or caretaker suffers damage to or destruction of livestock in more than one (1) occurrence during the fiscal year, then only one (1) deductible must be subtracted from the claims and the deductible on subsequent claims will be waived. This deductible is a net loss to the owner or caretaker, and will not be compensated for from the expendable big game depredation fund.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(f) Any claim for damages to forage pursuant to section 36-1110, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant. However, claims filed under section 36-1108, Idaho Code, shall have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

1 (A) The amount of one thousand dollars (\$1,000) must be deducted from each
2 such statement. This deductible is a net loss to the owner or lessee, and will not
3 be compensated for from the expendable big game depredation fund.

4 (B) The total amount of all claims for damages to forage that may be paid from
5 the expendable big game depredation fund shall not exceed twenty-five percent
6 (25%) of the amount of interest earned from investments of moneys in that fund in
7 any one (1) fiscal year.

8 3. Each approved claim must contain a certification by the director of the department of
9 fish and game, or his designee, that:

10 (A) All statutory requirements leading up to approval for payment have been met.

11 (B) The claimant has certified that he will accept the amount approved as
12 payment in full for the claim submitted, subject to the conditions and requirements
13 of this subsection.